IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1439 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/03/2004 in WP No. 4213 OF 2004 on the file of the High Court.)

Between:

The Ravulapalem Co-operative Rural Bank, Ravulapalem, East Godavari District, rep. by its Chairman/PIC.

..... APPELLANT

AND

1. V. Naga Satya Aravinda, W/o. Late Ramachandra Reddy,
R/o. Ravulapalem, East Godavari District.
2. The Deputy Registrar of Co-operative Societies / Divisional
Co-operative Officer, Amalapuram, East Godavari District.

.....RESPONDENTS

Counsel for the Appellant: Smt.BOBBA VIJAYALAKSHMI

Counsel for the Respondent No.1: MR.G.V.SHIVAJI

Counsel for the Respondent No.2: G.P. for Cooperation.

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Writ Petition filed by the first respondent was allowed on the very first day when it came up before the learned Single Judge for admission. Appellant was impleaded as 2nd respondent and had no notice of the Writ Petition. No effort was made even to serve any notice on the appellant. In the Writ Petition, challenge was made to the proceedings dated: 10-4-2003 of the Deputy Registrar of Cooperative Societies, which order was passed on a petition submitted by the appellant. In such like a matter, when order under challenge in the Writ Petition had been passed by an authority at the behest of the party, which was also a party to the Writ Petition, it was not permissible for the learned Single Judge to have decided the Writ Petition in the absence of the affected party, namely, the appellant. The order, being clearly in violation of the Principles of Natural Justice, is liable to be set aside. The Writ Appeal, therefore, is allowed and the impugned order is set aside with a request to the learned Single Judge to hear and dispose of the Writ Petition in accordance with law, after hearing the appellant. The parties are directed to appear before the learned Single Judge on 29.9.2004.

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DEVINDER GUPTA, C.J.

21.9.2004.

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C.V.RAMULU, J.

VR.

To

1. The Deputy Registrar of Co-operative Societies / Divisional
Co-operative Officer, Amalapuram, East Godavari District.

2. The Chairman/Person-in-Charge, Ravulapalem Co-operative Rural Bank,
Ravulapalem, East Godavari District.

3. Two CCs to Govt. Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).

4. The Registrar (Judicial), High Court of A.P., Hyderabad.
(for information).

5. Two CD copies.